

*Re: Green River
Pot Creek*

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
IN AND FOR DAGGETT COUNTY, STATE OF UTAH

IN THE MATTER OF THE GENERAL
DETERMINATION OF ALL THE RIGHTS,
BOTH SURFACE AND UNDERGROUND,
TO THE USE OF WATER WITHIN THE
DRAINAGE AREA OF THE GREEN RIVER
IN DAGGETT, SUMMIT AND UINTAH
COUNTIES IN UTAH.

INTERLOCUTORY JUDGMENT

AND DECREE

Re: Claims Nos. 1032,
1037, 1226 and 1227.

Be it remembered that this matter came on regularly for hearing on the 23rd day of October, 1959, on the petition of William Allen and the answers of Mr. Clark Felch and of Pearl McCarrell, as successor to Joel Evans, and of the Utah State Engineer, which petition and answers sought a determination as to the above numbered claims as set out in the Proposed Determination of Water Rights for Pot Creek, a water source within the above proceeding; George H. Searle appeared for William Allen; Ray E. Nash appeared for Mr. Clark Felch; and Robert B. Porter appeared for the State Engineer of Utah; and, the Court having heard the evidence offered by the respective parties and being fully satisfied in the premises, finds that the water rights of the parties to this proceeding were initially owned by one Stanley Crouse and that the rights of said Crouse were transferred solely to the claimant, William Allen, herein; and the Court further finds that when the claimants, Mr. Clark Felch and Pearl McCarrell, or their predecessors in interest, received land transfers from the said Stanley Crouse, the water had been severed from the land and that no water passed as an appurtenance to the land by reason of said transfer; now, therefore, by virtue of the law and the findings aforesaid, the Court orders that judgment be entered as follows:

1. That the claims of Mr. Clark Felch and Pearl McCarrell, designated herein as Claims Nos. 1032, 1037, 1226 and 1227, to the extent that the rights represented by said claims propose the diversion

and use of water from Pot Creek, are hereby disallowed and rejected and the said Proposed Determination of Water Rights is hereby amended accordingly.

Dated this 25 day of January, 1960.

DISTRICT JUDGE